

Report To: The Planning Board

Date: 2 August 2023

Report By: Director
Environmental and Regeneration

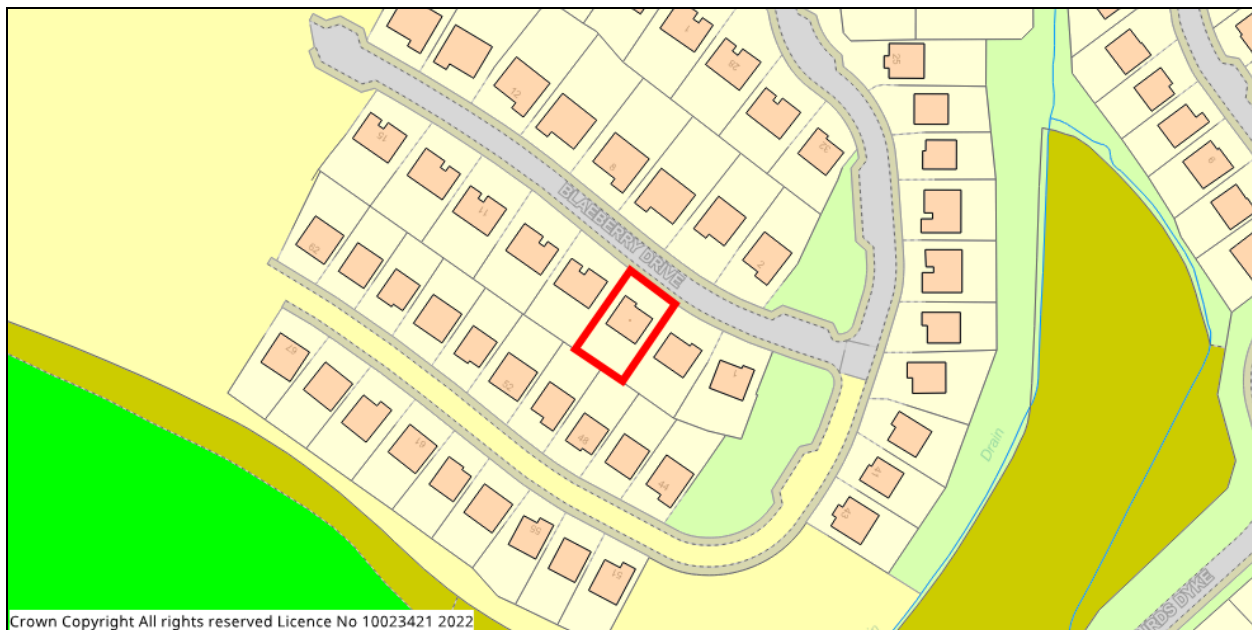
Report No: 23/0076/IC
Plan

Local Application
Development

Contact
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Subject: Proposed extension to decking and formation of gated car port to side of house at
5 Blaeberry Drive, Inverkip.



SUMMARY

- The proposal raises no conflict with National Planning Framework 4.
- The proposal complies with the adopted and proposed Inverclyde Local Development Plan.
- Eight objections have been received raising concerns over impacts on amenity, design, fire safety and title deed restrictions.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=RT3YXZIMHN300>

SITE DESCRIPTION

The application site comprises a split level, detached dwellinghouse located on the south-west side of Blaeberry Drive, Inverkip. The dwellinghouse was granted planning permission in August 2011 under 11/0161/IC and is finished with a grey concrete tile roof; red brick walls with a section of off-white roughcast render on the principal elevation; white uPVC windows and fasciae; buff block lintels and sills; and black uPVC rainwater goods. A white garage door is located on the principal elevation, with a Juliette balcony above.

The front curtilage is divided between a block paved driveway and grass, with an ornamental tree located in the north-west corner of the front garden. The driveway covers around 40% of the front garden area and slopes downhill away from the road, resulting in the garage and ground on the west side of the dwellinghouse being approximately 0.75 metres lower than the main entrance and ground on the east side of the dwellinghouse.

The rear garden area is accessed from the first floor level of the dwellinghouse and steps upwards away from the rear elevation of the dwellinghouse, with gradients of around 1 in 5. A timber deck is located on the west side of the rear elevation, which is raised above the ground to the side of the dwellinghouse by approximately 2.9 metres. The front and rear garden areas are separated by timber fencing which sits in line with the rear elevation of the dwellinghouse and is approximately 1.1 metres in height on the west side and 1.8 metres in height on the east side of the dwellinghouse. A stepped access runs along the east side of the dwellinghouse to provide access between front and rear garden areas. A timber outbuilding is located on the east side of the dwellinghouse and is set behind the principal building line by approximately 0.7 metres.

The site adjoins detached dwellinghouses which were constructed as part of the same development and are similar in scale and set in similar sized plots, with some variations to designs and finishing materials.

PROPOSAL

Planning permission is sought to construct a gated car port and raised deck on the north-west side of the dwellinghouse. The car port is proposed to have a polycarbonate glazed 'lean to' roof design measuring approximately 2.25 metres to eaves level and 2.6 metres at the highest point where it adjoins the dwellinghouse. The carport is to contain timber walls and a double swing door on the front elevation, which is to be set approximately 0.3 metres behind the principal building line and will extend out from the side of the dwellinghouse by approximately 3.25 metres and measure approximately 5 metres in length.

The deck is to form an extension to the existing rear garden deck and is to extend in a north-east direction for approximately 3.5 metres along the side of the dwellinghouse, to the rear of the carport, increasing the floor area of the raised deck from approximately 10.7 square metres to approximately 21.1 square metres. The deck floor is to be set approximately 2.9 metres above the floor of the carport which will sit directly in front of the deck. The front and north-west side of the timber deck is to be surrounded by a timber balustrade 1.1 metres in height, which is to be connected to the car port walls, forming a single structure.

Additional works are proposed to replace the existing garage door with a window and wall infill and to install a new access door on the side of the dwellinghouse. These works are permitted development in planning terms and do not require further assessment as part of this application.

NATIONAL PLANNING FRAMEWORK 4 (NPF4)

NPF4 was adopted by the Scottish Ministers on 13th February 2023. NPF4 forms part of the statutory development plan, along with the Inverclyde Local Development Plan and its supplementary guidance. NPF4 supersedes National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) (2014). NPF3 and SPP no longer represent Scottish Ministers' planning policy. The Clydeplan Strategic Development Plan and associated supplementary

guidance cease to have effect from 13th February 2023 and as such no longer form part of the development plan.

NPF4 contains 33 policies and the following are considered relevant to this application.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 14

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency.

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16

g) Householder development proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 20 – Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

Draft Planning Application Advice Notes (PAAN) 4 on "House Extensions" and **(PAAN) 5** on "Outdoor Seating Areas" apply.

CONSULTATIONS

None required.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. Eight representations were received objecting to the proposal. The grounds of objection are summarised as follows:

Amenity concerns

- The deck extension will increase line of sight to neighbouring property windows.
- Impacts on neighbouring privacy.
- Impacts on neighbouring amenity.

Design concerns

- The proposed carport would be an eyesore.
- Proposed development is of a ridiculous size given the size of property.
- The proposed development is not in keeping with the rules as set out for development nor the character.
- The proposed development appears larger than the site available.
- The proposal will aesthetically take value away from the estate.
- The proposal is not in line with the rest of the houses in the development.
- Concerns over how the car port will fit with the existing aesthetics of the street.
- Car port and fencing detracts from the look of the area and other houses in the street.
- The proposal removes the openness between houses.

Procedural concerns

- Drawings unrepresentative as there is an ancillary building not shown which has been erected without benefit of planning permission or neighbour consent.

Other concerns

- The proposed fence height at extended deck is greater than 1.8m and contravenes title deeds.

- The proposed carport would contravene title deeds if used as a garage or ancillary building.
- The carport must be open on at least two sides.
- Concerns over fire safety as this is an entirely timber building.
- A wooden carport would be a fire hazard.
- A fence has been constructed on the left hand side of the property without planning permission.
- Contrary to land certificate which restricts buildings in front of the back garden fence.
- The proposal will sit on or over neighbouring boundary.
- The distance of development to gas flue could cause a fire.
- Concerns over a shed being built on top of the deck extension.

ASSESSMENT

The material considerations in determination of the application are the National Planning Framework 4 (NPF4); the adopted 2019 Inverclyde Local Development Plan (LDP); the proposed 2021 Inverclyde Local Development Plan (LDP); Planning Application Advice Notes (PAAN) 4 on “House Extensions” and (PAAN) 5 on “Outdoor Seating Areas”; Draft Planning Application Advice Notes (PAAN) 4 on “House Extensions” and (PAAN) 5 on “Outdoor Seating Areas”; and the representations received.

Both LDPs locate the application site within an established residential area where Policies 1, 14 and 16 of NPF4, Policy 1 of the adopted LDP and Policies 1 and 20 of the proposed LDP apply. Policy 1 of NPF4 requires consideration of the global climate and nature crises to be given to all development. Policy 16 of NPF4 supports householder development which does not have a detrimental impact on the character of the home and surrounding area in terms of size, design and materials and does not have a detrimental impact on neighbouring properties in terms of physical impact, overshadowing or overlooking.

Policy 14 of NPF4 and Policy 1 of both the adopted and proposed Local Development Plans refer to qualities relating to successful places. The qualities of being Pleasant and Distinctive in Policy 14 are relevant to this proposal. The relevant qualities in Policy 1 of both LDPs are being ‘Distinctive’, which reflects the quality of Distinctive in Policy 14 and ‘Safe and Pleasant’, which reflects the quality of being Pleasant in Policy 14. In the adopted LDP, the relevant factor to be considered ‘Distinctive’ is whether the proposal reflects local architecture and urban form. In the proposed LDP, the relevant factors are whether the proposal respects landscape setting and character, and urban form and reflects local vernacular/architecture and materials. To be considered ‘Safe and Pleasant’, the proposal should avoid conflict with adjacent uses. Policy 1 of both LDPs also require consideration to be given to relevant supplementary guidance, of which the adopted and draft PAANs 4 and 5 are relevant to this proposal. Policy 20 of the proposed LDP requires the proposal to be assessed with regard to potential impacts on the amenity, character and appearance of the area, whilst having regard to any relevant supplementary guidance.

The proposal is for an extension and alterations within the curtilage of an existing dwellinghouse which can be implemented in a sustainable manner and is not considered to significantly impact on the global climate or nature crises, therefore it is not considered to conflict with the aims of Policy 1 of NPF4.

The extension and decking are to be located on the side elevation of the dwellinghouse and will be visible from the public realm. In considering the impacts on the urban form, both the extension and decking are to be positioned behind the established principal building line on Blaeberry Drive, with the front of the deck being set around 5 metres behind the front of the extension. The extension is at a single storey scale and is to be of a size and position which can be considered to reflect the urban form of the area. In considering the impacts of the car port extension on the character and appearance of the dwellinghouse and surrounding area, I note the concerns raised in the objections regarding the design and appearance of the car port. I shall assess these against the guidance given in both PAAN4s on “House Extensions”.



View of the site from in front of 7 Blaeberry Drive.

Both PAAN4s recommend that extensions should be finished in materials that complement those on the existing house and provide guidance on windows to mitigate overlooking and window intervisibility issues. The proposed car port does not contain any windows and therefore does not raise any concerns in terms of overlooking neighbouring gardens and does not conflict with the Council's window intervisibility guidance. Both PAAN4s state that for side extensions, the roof over extensions should match the existing house roof, extensions should be set back at least 1m from the side boundary and the off street parking requirements of the Council's Roads Development Guide shall be met. The roof is proposed to have a 'lean to' design and will be mostly glazed. Although this does not accord with the advice in both PAAN4s in terms of matching the finishing materials on the main roof, the roof design proposed contains a low pitch which lessens the overall height and massing of the proposed extension. The shallow roof pitch is not suitable for concrete roof tiles to be installed on the roof. The provision of a glazed roof provides a modern design which can be considered to complement the dwellinghouse and can be considered appropriate for its setting within a modern residential area. In considering the use of timber materials for the car port walls, whilst this is not currently in use on the dwellinghouse or on any other houses in the area, timber is the primary choice of material for boundary treatments and outbuildings within the area and can be considered an expected choice of material for this type of extension. Based on the above, I consider the proposed design and materials will have an acceptable visual impact on both the dwellinghouse and the surrounding residential area.

The extension meets the side boundary to the north-west and is not in accordance with the 1m set back distance as advised in both PAAN4s. Side boundary set back is required to avoid the terracing of houses and to ensure that there is suitable access between front and rear gardens. I note that the existing access between front and rear gardens is located on the south-east side of the dwellinghouse and that there currently is no access afforded between front and rear garden areas on the north-west elevation, therefore the existing access is not impacted by the proposal. The proposal will not result in the terracing of houses and the low profile design of the car port results in it being positioned lower than the rear garden ground behind and viewed as being set below the skyline, further lessening the visual impact of the car port. I am satisfied that the proposal will not result in a terraced effect between neighbouring dwellings and despite not complying with the advice given in both PAAN4s, consider the proposal will not harm the streetscape to the extent that would warrant refusal of the application. The proposal does not

introduce any additional bedrooms or result in a reduction of available off-street parking within the site; therefore, it will not alter or impact on the off-street parking requirements for the site.

In assessing the impacts of the proposed deck on the character and appearance of the building and on neighbouring amenity (Policy 20 of the proposed LDP), the main considerations relate to the appearance of the construction in terms of size, design and materials; possible activity and noise; and impacts on neighbouring amenity in terms of physical impact, overshadowing and overlooking. In considering these, I turn to the guidance given in both PAAN5s on "Outdoor Seating Areas".



View between 5 and 7 Blaeberry Drive taken from the driveway of 5 Blaeberry Drive.

Firstly, in considering the appearance of the construction, both PAAN5s state that the design and position of the decking shall be appropriate to the architectural design of the house. The proposed deck is to form an extension to the existing deck along the side elevation of the dwellinghouse towards the rear and will be enclosed by timber fencing which will be similar in height and appearance to the existing timber fence which runs along the front of the deck where it extends beyond the side of the dwellinghouse. The deck will be positioned behind the two side facing windows on the side elevation of the applicant's house and will not disrupt any architectural features or the overall design of the house, being positioned in front of a blank red brick wall which does not contain any detailing. At 4m in height, the timber fencing around the deck will be relatively tall, however, the massing of the fence will be broken up by the car port being positioned directly in front. The fence is to be positioned along a steep embankment which increases towards the rear, reducing the height of the fence along its 3.5m length on the side elevation from 4m to around 1.5m where it adjoins the existing fence. I note that the embankment extends across the neighbouring property between the houses and that the neighbouring land immediately adjoining the site is not easily accessible, being topped with conifer bushes and other planting, therefore the fence is unlikely to have a substantial overbearing impact on the neighbouring garden. The close proximity of the deck to the dwellinghouse and its location between dwellings minimises any overshadowing impacts on neighbouring garden areas and does not impact on daylight to any neighbouring windows. As a result, I do not consider the fence will appear excessive in size relative to the house. Based on

the above, the design and position of the deck can be considered to have an appropriate impact on the architectural design of the house.

In considering possible activity and noise, both PAAN5s state that if raised more than 0.5 metres above the original ground levels, decking should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods of day and evening to the extent that regular activity may impinge upon the enjoyment of neighbouring gardens. The proposed deck is to contain a floor area of approximately 21.1 square metres, which can be considered an acceptable size for its location within the curtilage of a detached dwellinghouse and not of a size which is considered to be excessive to the extent that it would encourage extensive periods of noise and activity to the detriment of neighbouring residents. I consider it unlikely that the proposal would result in conflict with neighbouring uses in terms of noise and can therefore be considered acceptable in this regard.

In considering privacy implications, I note the concerns raised in the objections received over impacts on neighbouring privacy and the deck extension increasing views into neighbouring windows. Both PAAN5s require screening to be provided where decking is to be positioned within 9 metres of the garden boundary and will result in an increased view of neighbouring private/rear garden area. The deck is located within 9 metres of the garden boundary, however it does not afford any increased views of the neighbouring private/rear garden area, extending forwards of the existing rear boundary area at the same height as the existing deck. The deck will overlook the neighbouring area of ground which sits at the side of the dwellinghouse. This area of ground currently contains a steep embankment topped with conifer trees and dense vegetation, in front of sits an area of grass and an ancillary storage building which will be positioned forwards of the proposed deck in line with the car port. This area is currently visible from the public realm. As such, I consider it acceptable for no screening to be provided in this instance. In considering the impacts on neighbouring windows, I note that the adjoining dwellinghouse does not contain any side facing windows, with the closest windows visible from the deck being the first floor Juliette balconies located directly across Blaeberry Drive from the proposal. These are currently visible from the existing deck at a distance of approximately 30.5m and will be approximately 27m from the proposed deck, exceeding the 18m minimum distance recommended for direct window intervisibility. Furthermore, I note that there are windows on the front of both the applicant's property and the neighbouring property that are closer than the proposed deck at between 22m and 24m from the Juliette balconies. Overall, I consider that the proposal will not result in unacceptable levels of overlooking or an invasion of privacy of neighbouring properties. Taking into account all of the above, the proposal can be considered to accord with the guidance in both PAAN5s.

I note that the proposed car port incorporates a sloped roof that descends towards the side boundary. Any surface water from the roof plane would discharge towards the side boundary and would likely drain into the neighbouring property, potentially impacting on the drainage of the neighbouring property. To ensure that the proposal does not result in surface water run-off draining onto the neighbouring rear garden area, I consider it prudent to attach a condition should planning permission be granted requiring all surface water run-off from the development to be contained and managed within the site, with suitable arrangements in place to prevent rainwater running off the roof into the neighbouring property.

Based on the above assessment, I consider that the proposal can be implemented without creating conflict with neighbouring uses in terms of noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing and therefore meets the quality of being 'Safe and Pleasant' in Policy 1 of both LDPs. Furthermore, I am satisfied that the proposal meets all relevant factors to be considered 'Distinctive' and therefore meets all relevant qualities of successful places, in accordance with Policy 14 of NPF4 and Policy 1 of both LDPs.

The proposal raises no concerns in terms of physical impact or overshadowing and does not result in unacceptable levels of overlooking on neighbouring residential properties, therefore, it can be supported under Policy 16 of NPF4. Overall, I consider the proposal will have an acceptable impact on the amenity, character and appearance of the residential area, in accordance with Policy 20 of the proposed LDP.

With regard to the objections that have been received and not assessed above the following comments are made. Matters relating to fire safety concerns and the proximity of the development to the neighbouring gas flue are more appropriately controlled under the Building Standards Regulations. Whilst I note the concerns raised over a shed being constructed on top of the deck, this does not form part of the proposal submitted and any further development in this regard would require to be considered separately.

Regarding the ancillary outbuilding constructed on the east side of the dwellinghouse, this was inspected during the site visit and confirmed as being constructed in accordance with permitted development rights afforded under Class 3A of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (as amended) and as such, it does not require planning permission. The consent of neighbours would be addressed as a civil matter alongside any non-compliance with restrictions on title deeds and are not material considerations in the determination of a planning application.

In conclusion, the proposal is in accordance with Policies 1, 14 and 16 of NPF4; Policy 1 of the adopted LDP and Policies 1 and 20 of the proposed LDP. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. As the proposal is in accordance with the relevant Plan Policies and there are no material considerations which would warrant refusal of the application, it stands that planning permission should be granted subject to conditions.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.
2. For the avoidance of doubt, all surface water run-off from the development hereby approved shall be contained and managed within the site. Details confirming how this is to be achieved shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Thereafter the approved surface water run-off management details shall be fully implemented.

Reasons:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. To ensure the development does not increase the risk of flooding to neighbouring properties.

Stuart W Jamieson
Director
Environment & Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Sinclair on 01475 712436.